



ADMINISTRATIVE GUIDE

Section: Employee Rights/Responsibilities		Procedure No: 332-14
INVESTIGATION OF INCIDENTS OF RETALIATION AGAINST MEMBERS OF THE SERVICE		
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PURPOSE

To provide guidelines in accordance with the provisions of the Whistleblowers Law for the investigation of allegations of retaliation made by members of the service who have voluntarily reported misconduct or corruption.

DEFINITION

WHISTLEBLOWERS LAW - An Administrative Code provision which encourages City employees to report improper conduct, i.e., corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, within their respective agencies. This law protects City employees who report such wrongdoing from any form of retaliation, i.e., dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected employee.

SCOPE

The Department has the responsibility to encourage members to come forward and voluntarily provide information regarding misconduct and corruption. Inherent in this responsibility is the ability to protect those members from retaliation. **IT IS THE POLICY OF THIS DEPARTMENT THAT RETALIATION AGAINST ANY MEMBER OF THE SERVICE FOR VOLUNTARILY PROVIDING INFORMATION REGARDING MISCONDUCT AND CORRUPTION WILL NOT BE TOLERATED.**

PROCEDURE

When a member of the service believes they are the victim of retaliation for voluntarily providing information regarding misconduct or corruption.

MEMBER OF THE SERVICE

1. Notify Internal Affairs Bureau Command Center.

UNIT RECEIVING NOTIFICATION

2. Notify Internal Affairs Bureau and forward all pertinent information.
a. Make reasonable efforts to protect the anonymity and confidentiality of the employee making the allegation.

MEMBER CONCERNED, IAB COMMAND CENTER

3. Record pertinent information and assign a log number.
4. Have an immediate preliminary investigation conducted to obtain all available facts and evidence.
a. Indicate results in log.

NOTE

Members of the service should comply with the provisions of A.G. 332-01, "Employment Discrimination," to lodge a complaint of retaliation regarding an equal employment opportunity issue. Allegations of retaliation involving equal employment opportunity issues (employment discrimination, sexual harassment, etc.) MUST be referred to the Office of Equal Employment Opportunity for investigation.

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INTERNAL AFFAIRS BUREAU

5. Evaluate each complaint to determine whether the case may fall within the purview of the Whistleblowers Law.
6. Refer cases requiring further investigation concerning violations of the Whistleblowers Law to either the Internal Affairs Bureau or Office of Equal Employment Opportunity, as applicable.

NOTE

Only the Internal Affairs Bureau or the Office of Equal Employment Opportunity are authorized to conduct investigations involving allegations of retaliation against any member of the service for voluntarily having provided information regarding misconduct or corruption. Allegations which do not violate the Whistleblowers Law will be referred to the appropriate investigative unit concerned for additional action.

IAB INVESTIGATIVE GROUP

7. Forward report through channels upon completion of investigation.

NOTE

Due to the need to maintain the confidentiality of investigations to the extent possible, the Office of Equal Employment Opportunity will not be required to forward reports of employment discrimination retaliation. These reports will remain on file at the Office of Equal Employment Opportunity until such time that disclosure thereof is necessary.

DEPUTY COMMISSIONER, INTERNAL AFFAIRS

8. Forward report and recommendations to the Police Commissioner.

ADDITIONAL DATA

Members of the service are reminded that resources (i.e., Employee Assistance Unit, Chaplains Unit, Police Officers Providing Peer Assistance [POPPA], etc.) are available to provide help in addressing a personal or professional problem.

To obtain additional resources, information and guidance, members can refer to the Personnel Bureau's Department Intranet homepage. Once on the homepage, members are directed to click on the "Employee Assistance" folder in the "Documents" Section.

